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TO FIRST NAMED INVENTOR

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MUIR, P.  
EXAMINER

ART UNIT 105 PAPER NUMBER

01/24/92

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892. 2.  Notice re Patent Drawing, PTO-948.  
3.  Notice of Art Cited by Applicant, PTO-1449. 4.  Notice of Informal Patent Application, Form PTO-152  
5.  Information on How to Effect Drawing Changes, PTO-1474. 6.

Part II SUMMARY OF ACTION

1.  Claims 1-15 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1-15 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are:  acceptable;  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been:  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been:  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has:  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

EXAMINER'S ACTION

Art Unit 236

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

1-4, 9, 10, 12 and 14 are  
Claims ~~1-14~~ rejected under 35 U.S.C. § 103 as being  
in view of OGAKI ('799)  
unpatentable over Rosenberg

As per claim 1, Rosenberg discloses a book manufacturing system comprising:

computer means (31, 33) for storing and selectively retrieving data corresponding to the text of plurality of books (see column 5, second paragraph);

selection means in communication with said computer means for selectively retrieving and reviewing stored data corresponding to the text each of such books (see column 5, lines 29-39);

printer means for printing on paper pages the text of a selected one of said books upon a signal from said selection

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means and command from said computer means (column 5, lines 39-41).

Rosenberg does not show storing, retrieving and reviewing information concerning the plurality of books.

Ogaki, patent number 4,654,799 discloses a vending system for selling computer software programs comprising:

computer means for storing and selectively retrieving data corresponding to the contents of the program and information concerning a plurality of programs;

selection means in communication with the computer means for selectively retrieving and reviewing the stored data corresponding to information concerning each of such programs (see column 8, lines 45-59);

copy means for copying on a suitable medium the software program upon a signal from said selection means and a command from said computer means.

Ogaki does not disclose using the vending system for selling books.

It would have been obvious to store, retrieve and review information of the product to be sold, as taught by Ogaki, with the book making machine of Rosenberg in order to obtain more information of a book to help the user decide if he or she would like the book to be printed.

Rosenberg discloses the limitations of claims 2-4.

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As per claims 9 and 10 Ogaki discloses means for transfer of additional programs over a public telephone network to be stored in the computer's memory (see column 6, lines 41-50). Ogaki further discloses means from which the owner of the vending machine may obtain from the host sales records, upon request of the owner at the vending computer. Ogaki does not disclose how the programs to be downloaded from the host to the vending computer are selected, nor a separate control console to select the programs to be downloaded.

It would have been obvious for the owner of the vending computer to select the vending computer's programs to sell, in order that the owner could readily adapt to the demand of certain programs unique to his consumer base.

It would have been obvious for the owner of the vending computer to select the programs to sell through the vending machine in order to have the programs quickly and cheaply eliminate any paper work, as done with sales data.

It would have been obvious to have a separate console in order that the owner could order programs and not affect possible sales by limiting customer access.

It would have been an obvious design choice to use a touch sensor screen for data input.

It would have been obvious to use the system of Ogaki with Rosenberg's book maker in order to have a easily adaptable system

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by replacing the microfiche book storage with a host/slave computer memory system.

As per claim 12, Rosenberg discloses everything except storing the text in a computer. It would have been obvious to store the text in a computer in order to create an easily adaptable system.

Claim 14 is rejected for the reasons given in rejecting claim 1.

Claims 5-8, 11, 13 and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Rosenberg in view of Ogaki as applied to claims 1, 12 and 14 above, and further in view of Freedman.

As per claim 5, Freedman discloses a system for custom making of a work, including books or magazines, (column 4, line 39) which transfers the work data from a user terminal to a printer terminal through a host computer over a public telephone system. Freedman discloses storing graphical information to be printed in the book or magazine. Freedman also discloses binding the book or magazine in one of selection of different bindings (column 12, lines 30-38). Although Freedman does not mention printing on the binding of a book, it would have been obvious to produce print, including graphics, on the cover of a book, at the time of making the book in order to efficiently make available information as to the contents of the book.

Freedman discloses in column 11, lines 20-25, that the

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printing can print different colors. It would have been obvious to print color graphics on the book cover as disclosed by Freedman with the individual bookmakers of Rosenberg in order to efficiently make available information as to the contents of the book.

Rosenberg discloses the limitations of claim 6.

The use of a touch sensor screen as data input would have been an obvious design choice.

As per claim 8, the examiner takes Official notice that use of a credit card reader in communication with a public telephone network was notoriously well known at the time of the invention. See Ogaki, patent number 4,674,055, column 13, line 3. It would have been obvious to use a credit card reader in order to attract customers which prefer to use a credit card, rather than cash.

Claim 11 is rejected for the reasons given in rejecting claims 1, 5 and 6.

Claims 13 and 15 are rejected for the reasons given in rejecting claims 5 and 6.

Claims 6-8 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 6, "therarround" is not a word in the English language.

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As per claim 10, line 7, "memory" lacks an antecedent basis.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Muir whose telephone number is (703) 308-0781.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0754.

PATRICK MUIR  
PATENT EXAMINER  
GROUP 230

P. Muir/mb  
January 10, 1992

*Jerry Smith*  
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SUPERVISORY PATENT EXAMINER  
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